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February 11, 2011

The Honorable Sterling Johnson, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

By Facsimile and ECF

Re: *McNamee v. Clemens*; No. 09-CV-1647 (EDNY) (SJ) (CLP)


Dear Judge Johnson:


I am counsel for Roger Clemens in the above-referenced case. Counsel for Plaintiff Brian McNamee and I are writing to seek clarification regarding the stay of this case that the Court granted on February 3, 2011.

Both parties understand and agree that the stay covers all potential filings and discovery, including Clemens's answer and a motion to disqualify Clemens's counsel that McNamee intends to file. The parties also understand and agree that Clemens will not default, and neither side will waive any arguments or defenses, by waiting until after the next status conference on September 22, 2011 to answer or assert arguments and defenses. If our understandings and agreements are inconsistent with the Court's intent in granting the stay, please let us know and we will act accordingly.

Thank you for your attention to this matter.

Respectfully submitted,


Joe Roden,
on behalf of William Roger Clemens


Debra Greenberger,
on behalf of Brian McNamee